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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)	
STACIE WOOD (AKA POWELL))	STIPULATION AND ORDER
TO PRACTICE AS A)	
REGISTERED NURSE)	CASE NO DOPL -OSC-2007-51
IN THE STATE OF UTAH)	

STACIE WOOD (AKA POWELL) ("Respondent") and the **DIVISION OF
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of
the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the
subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and
voluntarily
- 3 Respondent understands that Respondent has the right to be represented by counsel in
this matter Respondent is represented in this matter by Catherine M Larson, Attorney at Law

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Nursing ("the Board") or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing.

5 Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order and will release other information about this disciplinary action against Respondent's license to other persons and entities.

6 Respondent admits the following facts are true:

- a Respondent was first licensed to practice as a registered nurse in the State of Utah on or about October 22, 1996.
- b Respondent entered into a Stipulation and Order in DOPL Case No. 2007-51 on or about March 7, 2007. A copy of that Stipulation and Order is incorporated by reference and attached hereto as Exhibit A. Respondent's license to practice as a registered nurse in the State of Utah was revoked, the revocation stayed, and Respondent's license was subject to terms and conditions for a period of five years.
- c On or about September 8, 2008, an Amended Notice of Agency Action was issued by the Division alleging certain violations of the Stipulation and Order in DOPL Case No. 2007-51 by Respondent.
- d Respondent violated subparagraph 8(2)h of the Exhibit A by failing to provide samples for drug analysis upon the request of the Division or its designated company on the following dates:

(1) July 28, 2007

- (2) August 2, 2007
- (3) August 3, 2007
- (4) October 19, 2007.
- (5) December 20, 2007.
- (6) January 3, 2008.
- (7) January 12, 2008
- (8) January 13, 2008
- (9) January 14, 2008.
- (10) January 21, 2008
- (11) January 22, 2008
- (12) January 26, 2008
- (13) March 5, 2008
- (14) March 6, 2008.
- (15) March 7, 2008.
- (16) March 8, 2008.
- (17) March 9, 2008.
- (18) March 10, 2008.
- (19) March 22, 2008.
- (20) April 5, 2008.
- (21) April 22, 2008.
- (22) May 14, 2008
- (23) June 9, 2008, and
- (24) June 10, 2008

Respondent states that the reason she did not provide samples on the above dates was because Respondent had concerns about the integrity of the samples she had provided on previous occasions due to actions or omissions on the part of employees of the drug testing company.

- e Respondent violated subparagraph 8(2)l of Exhibit A by failing to submit a monthly Self-Assessment Report to the Division in May 2007, March 2008, May 2008, June 2008, and July 2008.
- f Respondent violated subparagraph 8(2)n of Exhibit A by failing to submit documentation showing that Respondent participated in a professional support group twice a month in January 2008, February 2008, March 2008, April 2008, May 2008, and June 2008. Respondent attended the professional support group only one time per month in January 2008 and February 2008. Respondent did not attend a professional support group at all in March 2008, April 2008, May 2008, and June 2008.
- g Respondent violated subparagraph 8(2)o of Exhibit A by failing to submit documentation to the Division showing that she had attended a 12-step

program twice a month in February 2008. March 2008 April 2008. May 2008. and June 2008

7 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2) may be issued in this matter providing for the following action against Respondent's license the terms and conditions of which supersede the terms and conditions contained in Exhibit A

- (1) Respondent's license shall remain revoked That revocation shall remain stayed and Respondent's license shall be subject to a term of probation for a period of four years The period of probation shall commence on the date the Division Director signs the accompanying Order During the period of probation Respondent's license shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - a Respondent shall meet with the Board within thirty (30) days of the signing of the accompanying Order Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Board to review this agreement For the remainder of the duration of probation Respondent shall meet with the Board or with the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct
 - b The Division and Board may direct Respondent to complete a further chemical dependency evaluation and comply with any treatment recommended by the evaluation if events indicate that Respondent may be inappropriately using or diverting controlled substances alcohol or legend drugs in any way

- c Although the use and possession of alcohol is generally legal for persons age 21 and older Respondent agrees to abstain from the personal use or possession of alcohol in any form Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended
- d Unless otherwise approved by the Division, Respondent shall except as provided otherwise herein, receive prescriptions from only one prescribing practitioner, and Respondent shall fill prescriptions at only one pharmacy Respondent shall not obtain the same or equivalent prescription drug or controlled substance from more than one practitioner All prescribing practitioners must be informed of any and all of Respondent's addiction/abuse problems Respondent shall not undertake, under any circumstance, to obtain prescription drugs in quantities or types that are not legitimately required Respondent shall submit the names of the prescribing practitioner and pharmacy to the Division and Board for approval Respondent shall provide the Division with a copy of all Respondent's prescriptions for prescription drugs, controlled substances, or any other mood altering substance, within forty-eight (48) hours after the prescription has been written
- e Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued Respondent shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual
- f Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division to be conducted by any company with which the Division has contracted to conduct drug testing The designated company may also request such samples and Respondent shall comply with such requests Respondent shall not provide samples

after 9 p.m. on the date the sample is required. The Division shall determine when and where Respondent is to submit for testing. Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to forms authorizing the company to send the drug test results to the Division. Any report from a drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed may be considered a positive drug test result for Respondent and may subject Respondent to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed may be considered a positive drug test result for Respondent and may subject Respondent to additional sanctions. If Respondent believes that proper procedure was not followed by any person during the collection and transfer of the sample, Respondent shall inform the Division in writing within one week of providing the sample.

- g. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- h. The Division may take appropriate action to impose sanctions if (i) Respondent tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition, or (ii) Respondent violates any federal, state or local law relating to Respondent's practice, the Controlled Substance Act, or a term or condition of this Stipulation and Order. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction in the manner provided by law.
- i. All reports and documentation required in this Stipulation and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be

submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis. All reports shall be submitted by U S mail or fax.

- j Respondent shall complete and submit to the Board a self-assessment report at the frequency described in subparagraph (j) above. The self-assessment report shall be completed on a form prescribed by the Division.
- k Respondent shall participate in all therapy and aftercare that the Division and the Board may require. Respondent shall authorize all approved treatment programs or therapists from whom Respondent has received or will receive treatment to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board. The program or therapist must also be directed to submit evaluations to the Board that address Respondent's progress in treatment and Respondent's prognosis at the frequency described in subparagraph (j) above. Respondent may be subject to re-evaluation upon notice and opportunity to be heard.
- l Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement. Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (j) above. If Respondent learns that her employer is not submitting employer reports as required by this Stipulation and Order, Respondent shall immediately notify the Division. The receipt of an unfavorable report may be considered to be a violation of probation. If Respondent is not employed as a nurse, Respondent shall submit the employer report form on the date it is due and indicate on that form that Respondent's current employment is not in nursing or that Respondent is not currently working.
- m Respondent shall provide to Respondent's employer(s) and/or school of nursing a copy of this Stipulation and Order and cause each employer or school of nursing to acknowledge to the Board in writing that a copy of this Stipulation and Order has been provided to the employer and/or school of nursing.
- n Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, home health agency, temporary employment agency, school of nursing or any other practice setting in which nursing supervision is unavailable.

- o Respondent shall practice only under the on-site supervision of a registered nurse in good standing with the Division, or a licensed physician in good standing with the Division. The supervising nurse or supervising physician shall be primarily one (1) person who may periodically delegate her supervisory responsibilities over Respondent to other qualified personnel
- p In the event Respondent does not practice as a nurse for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession
- q Respondent agrees not to practice nursing in any other state that is a party to the Nurse Licensure Compact without prior authorization from such other party state
- r Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession
- s If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order
- t If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction inside or outside the State of Utah for any reason, or should Respondent be admitted as

a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder. Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license or other appropriate sanctions.

- u Respondent shall maintain a current license at all times during the period of this agreement.
- v Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
- w Respondent's license shall be publicly reprimanded for the conduct described above.

8 Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

9 Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements.

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between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

11. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license or other appropriate sanction.

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this

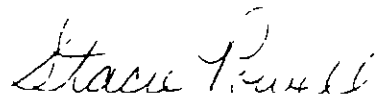


Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

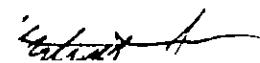
BY 
LAURA POE
Bureau Manager

BY 
STACIE WOOD (AKA POWELL)
Respondent

DATE 12-1-08

DATE 11-7-08

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 26 Nov 2008

ORDER

THE ABOVE STIPULATION, in the matter of **STACIE WOOD (AKA POWELL)**, is hereby approved by the Division of Occupational and Professional Licensing and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 1 day of December 2008

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator: Irene Woodford